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REMARKS

Claims 1-43 are currently pending in the subject application and are presently under consideration. A version of the claims is at pages 2-7. Dependent claims 5, 19 and 34 have been cancelled and independent claims 1, 11, 20, 29, and 40 have been amended herein to incorporate the limitations of claims 5 and 34. In addition, claims 6 and 35 have been amended to cure minor informalities.

Applicants' representative thanks the Examiner for the courtesies extended during the teleconference on June 23, 2005. As discussed, the incorporation of the limitations as recited in dependent claims 5 and 34 into independent claims 1, 11, 20, 29 and 40 would be allowable over the cited art to date. It is further noted that these amendments do not necessitate a new search or any undue effort by the Examiner as they do not present new claimed subject matter. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-43 Under 35 U.S.C. §102(e)

Claims 1-43 stand rejected under 35 U.S.C. §102(e) as being anticipated by Christiano (US 5,671,412). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Christiano does not teach or suggest each and every element as set forth in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed invention relates to a license management and enforcement system. In particular, independent claims 1, 11, 20, 29, and 40 recite similar limitations, namely a validation component that *periodically checks stored license data to ensure that the data*

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has not been corrupted. Christiano is silent with respect to such a novel feature of the subject claims.

Christiano discloses a license management system for software applications that stores and manages license data in a client-server environment. Software application licenses are stored on a license server, and client systems that have access to this server can request licenses for various applications. The license server performs diagnostic checking of the license store data upon notification that the client would like the server to perform such diagnostic functions.

On page 3 of the Office Action, it is incorrectly asserted that Christiano discloses the claimed limitation of *a validation component that periodically checks stored license data to ensure that the data has not been corrupted* with respect to claim 5. Rather, Christiano provides for checking license data upon receiving a license request from a user (col. 10, lines 53-55 and col. 19, lines 17-21), in response to a request from a client system to perform diagnostic checks (col. 21, lines 19-28 and col. 22, lines 29-33) or upon initialization of the license store (col. 11, lines 12-24). Nowhere does the cited reference perform a validation step at set intervals, but is instead limited to carrying out diagnostic functions *that require intervention or input from a client system* before verifying the integrity of data contained in the license store. As a consequence, Christiano is silent with regard to a validation component that *periodically* checks stored license data to ensure that the data has not been corrupted, as is recited in the subject claims.

In view of at least the above, it is readily apparent that Christiano does not teach or suggest all the limitations recited in independent claims 1, 11, 20, 29, and 40 (and the claims that depend there from). Therefore, it is respectfully requested that the rejection be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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